

MONDAY, NOVEMBER 16, 1998

Crim. THE PEOPLE  
No. v.  
C027860 JESUS MAGALLANES  
BY THE COURT:

Appellant's petition for rehearing is denied.

Appellant's remedy, if any, is by Writ of Habeas Corpus.

Dated: November 16, 1998

BLEASE, Acting P.J.

Crim. THE PEOPLE  
No. v.  
C025305 WILLIAM JOSEPH BRYAN  
BY THE COURT:

Pursuant to Government Code section 68081, appellant's petition for rehearing is hereby granted, and the opinion filed on October 16, 1998 is vacated.

The parties shall be afforded the opportunity to brief the issue discussed in part VII of the opinion filed herein on October 16, 1998, regarding whether the trial court erred in staying execution of the sentence on the attempted robbery and assault of Trujillo.

Appellant shall serve and file his supplemental brief on or before December 1, 1998. The respondent's supplemental shall be served and filed 15 days thereafter.

Dated: November 16, 1998

PUGLIA, P.J.

At 9:30 a.m., the court met in the Library & Courts Building for it's court calendar session.

PRESENT: SIMS, Acting Presiding Justice  
DAVIS, Associate Justice  
NICHOLSON, Associate Justice

Bailiff: Conrad.  
Calendar Called.

MONDAY, NOVEMBER 16, 1998 CONTINUED

Crim. THE PEOPLE  
 No. v.  
 C022579 RICHARD E. WILMSHURST ET AL.  
 Cause called. Cause continued.

Civil CARLOS CORDERO  
 No. v.  
 C026433 D-Q UNIVERSITY ET AL.  
 Cause called. David Kimbrel Henderson, of Alcala & Associates argued for Plaintiff-Appellant. Mark E. Merin, of Dickstein & Merin argued for Defendants-Respondents. Jane G. Zerbi, of Dickstein & Merin appeared for Defendants-Respondents. Cause submitted. (Consolidated with C027405).

Civil CARLOS CORDERO  
 No. v.  
 C027405 D-Q UNIVERSITY ET AL.  
 Cause called. David Kimbrel Henderson, of Alcala & Associates argued for Plaintiff-Appellant. Mark E. Merin, of Dickstein & Merin argued for Defendants-Respondents. Jane G. Zerbi, of Dickstein & Merin appeared for Defendants-Respondents. Cause submitted. (Consolidated with C026433).

At 9:46 a.m., court recessed. At 9:50 a.m., court reconvened with the same panel except Associate Justice Hull in place of Associate Justice Davis.

Civil MARRIAGE OF CHRISTOPHER  
 No. MITZI CHRISTOPHER  
 C026649 v.  
 STEVEN DON CHRISTOPHER

Cause called. Steven Don Christopher argued for Himself in Pro Per as Appellant. Mitzi Christopher argued for Herself in Pro Per as Respondent. Cause submitted.

MONDAY, NOVEMBER 16, 1998 CONTINUED

Civil        MARRIAGE OF CHRISTOPHER  
No.         MITZI CHRISTOPHER  
C026900     v.

STEVEN DON CHRISTOPHER

Cause called. Steven Don Christopher argued for Himself in Pro Per as Appellant. Mitzi Christopher argued for Herself in Pro Per as Respondent. Cause submitted.

At 10:08 a.m., court recessed. At 2:01 p.m., court reconvened with Presiding Justice Puglia and Associate Justice Hull.

Civil        JAMIE MULLINS  
No.         v.  
C028633     SEARS, ROEBUCK AND COMPANY

Cause called. Michael Trezza, of Trezza, Ithurnburn, Steidlmayer & Ithurnburn argued for Plaintiff-Appellant.. Lynn Garcia of Anwyl, Scoffield, Stepp & Universal argued for Defendant-Respondent. Cause submitted.

At 2:24 p.m., court recessed. At 2:27 p.m., court reconvened with the same panel except in addition Associate Justice Scotland.

Civil        CHARLES SCOTT HUGHES  
No.         v.  
C019165     BOARD OF ARCHITECTURAL EXAMINERS

Cause called. William M. Smiland, of Smiland & Khachigian argued for Plaintiff-Appellant-X-Respondent. Steven M. Kahn, Deputy Attorney General argued for Defendant-Respondent-X-Appellant. Cause submitted.

At 2:50 p.m., court recessed. At 2:53 p.m., court reconvened with Acting Presiding Justice Davis in place of Presiding Justice Puglia.

Civil        JAMES ROBERT COURSHON, JR.  
No.         v.  
C028453     TAHOE CITY PUBLIC UTILITY DISTRICT ET AL.

Cause called. James Robert Courshon argued for Plaintiff-Appellant. Robert H. Greenfield, of Gaffaney, Cudney & Greenfield argued for Defendants-Respondents. Cause submitted.

MONDAY, NOVEMBER 16, 1998 CONTINUED

At 3:08 p.m., court recessed. At 3:14 p.m., court reconvened with Acting Presiding Justice Sims and Associate Justice Morrison in place of Acting Presiding Davis and Associate Justice Hull.

Civil            ROBERT C. COOK  
No.                v.  
C027434        SACRAMENTO INVESTMENT COMPANY ET AL.

Cause called. Marian M. Johnston, of Eisen & Johnston argued for Plaintiff-Appellant. James J. Banks, of Hansen, Boyd, Culhane & Watson argued for Defendant-Respondent Grant Joint High School District. Kenneth B. Grossfeld, of Hennelly & Grossfeld argued for Defendants-Respondents Sacramento Investment Company etc. et al. Cause submitted.

At 3:44 p.m., court recessed. At 3:46 p.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Scotland.

Juvenile        In re SARA T.  
No.                THE PEOPLE  
C027467        v.  
                     SARA T.

Cause called. Susan D. Shors, court appointed counsel argued for Defendant-Appellant. Alison Elle Aleman, Deputy Attorney General argued for Plaintiff-Respondent.

At 4:17 p.m., court adjourned until 9:30 a.m., Tuesday, November 17, 1998

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Crim.            THE PEOPLE                                (Not for Publication)  
No.                v.  
C028716        DARREN LAVAN DUNCAN

The judgment is affirmed.

NICHOLSON, J.

We concur:        BLEASE, Acting P.J.  
                             SIMS, J.

MONDAY, NOVEMBER 16, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C027846 MATTHEW ERNEST SCHULKINS

The judgment is affirmed.

SIMS, Acting P.J.

We concur:           DAVIS, J.  
                                  SCOTLAND, J.

Civil PETER EMMONS ET AL.

No. v.

C027237 CITY OF REDDING

BY THE COURT:

Appellant's motion to consolidate this case with 3 Civil C029570 is granted for purposes of oral argument and decision only.

Dated: November 17, 1998

BLEASE, Acting P.J.

Civil LAWRENCE D. MOORE ET AL.

No. v.

C029570 CITY OF REDDING

BY THE COURT:

Appellant's motion to consolidate this case with 3 Civil C027237 is granted for purposes of oral argument and decision only.

Dated: November 16, 1998

BLEASE, Acting P.J.

TUESDAY, NOVEMBER 17, 1998

MISC-ORDER

98-11                      By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice effective at the close of business November 20, 1998, and continuing until a Presiding Justice is confirmed and sworn in. (See Cal. Const. Art. 6, Sec 3.)

Dated: November 17, 1998

PUGLIA, P.J.

TUESDAY, NOVEMBER 17, 1998 CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           BLEASE, Acting Presiding Justice  
                           DAVIS, Associate Justice  
                           CALLAHAN, Associate Justice

Bailiff: Rios.  
 Calendar Called.

Civil           TINA PRATT  
 No.            v.  
 C028486      PAUL SNIDER ET AL.

Cause called. Marian M. Johnston, of Eisen & Johnston argued for Plaintiff-Appellant. Bradley S. Thomas, of Mason & Thomas argued for Defendants-Respondents. Cause submitted.

At 10:00 a.m., court recessed. At 10:05 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Callahan.

Civil           CITY COUNCIL OF THE CITY OF FOLSOM ET AL.  
 No.            v.  
 C024384      BOARD OF EDUCATION ET AL.  
                   FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT

Cause called. Eileen M. Diepenbrock argued for Plaintiffs-Appellants. Martha Clark Lofgren, City Attorney appeared for Plaintiffs-Appellants. Edmundo Aguilar, Deputy General Counsel appeared for Defendant-Respondent California State Board of Education. Ophelia H. Zeff, of Atkinson, Andelson, Loya, Ruud & Romo appear for Defendant-Respondent Sacramento County Board of Education. Kathleen A. O'Connor, Supervising Deputy County Counsel appeared for Defendant-Respondent Ernest R. Hawkins, as Registrar, etc. Robert E. Kingsley, of Pinnell & Kingsley argued for Intervenor-Respondent. Cause submitted.

TUESDAY, NOVEMBER 17, 1998 CONTINUED

At 10:21 a.m., court recessed. At 10:25 a.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Davis.

Crim. THE PEOPLE  
No. v.  
C026972 TALTON DERAYNE ROBINSON

Cause called. Kenny N. Giffard argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

At 10:39 a.m., court recessed. At 10:43 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Callahan.

Crim. THE PEOPLE  
No. v.  
C026755 DANIEL LEE LEWIS

Cause called. David Joseph Macher, court appointed counsel argued for Defendant-Appellant. Harry Joseph Colombo, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:15 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Raye.

Crim. THE PEOPLE  
No. v.  
C026080 CERRONE DORECE HICKS

Cause called. Robert W. Gehring, court appointed counsel argued for Defendant-Appellant. Tiffany S. Shultz, Deputy Attorney General argued for Plaintiff-Respondent.

At 2:36 p.m., court adjourned until 9:30 a.m., Wednesday, November 18, 1998.

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TUESDAY, NOVEMBER 17, 1998 CONTINUED

Civil           WAYNE OSBORG           (Not for Publication)  
No.            v.  
C025663      RICHARD NORTHCUTT ET AL.

The judgment is affirmed.

HULL, J.

We concur:           PUGLIA, P.J.  
                              RAYE, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.            v.  
C028219      CHARLES ANDRE PARKS

The judgment is affirmed.

SCOTLAND, J.

We concur:           PUGLIA, P.J.  
                              BLEASE, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.            v.  
C027854      LAWRENCE H. KNIGHT

The judgment is affirmed.

HULL, J.

We concur:           BLEASE, Acting P.J.  
                              RAYE, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.            v.  
C027520      SUPERIOR COURT OF SACRAMENTO COUNTY  
                  DONALD W. SHERWIN ET AL.

Let a peremptory writ of mandate issue directing the respondent superior court to set aside its discovery order dated February 10, 1997, and to enter a new order denying real parties' motion for lack of jurisdiction.

SCOTLAND, J.

We concur:           PUGLIA, P.J.  
                              NICHOLSON, J.



TUESDAY, NOVEMBER 17, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C027277 HENRY PASSARELLI

The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.

RAYE, J.

Civil In re the Marriage of DEBRA M. and JAMES L. PEARSON

No. DEBRA M. PEARSON (Not for Publication)

C028411 v.

JAMES L. PEARSON

The judgment (order) is affirmed. Debra is awarded her costs and reasonable attorney fees on appeal; the matter is remanded to the trial court for a determination of the amount of the attorney fees award.

NICHOLSON, J.

We concur: PUGLIA, P.J.

SIMS, J.

WEDNESDAY, NOVEMBER 18, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice  
SIMS, Associate Justice  
CALLAHAN, Associate Justice

Bailiff: Rios.  
Calendar Called.

Civil ANNE APPEGATE

No. v.

C025385 DEPARTMENT OF HUMAN ASSISTANCE

Cause called. Anne Applegate argued for Herself in Pro Per as Plaintiff-Appellant. Lawrence J. Duran, Deputy County Counsel argued for Defendant-Respondent. Cause submitted.

WEDNESDAY, NOVEMBER 18, 1998 CONTINUED

At 9:37 a.m., court recessed. At 9:39 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Callahan.

Civil           LYNN E. GARRETT  
No.               v.  
C026150       THOMAS A. FLIPPEN

Thomas A. Flippen argued for Himself in Pro Per as Defendant-Appellant. Lynne E. Garrett argued for Herself in Pro Per as Plaintiff-Respondent. Cause submitted.

At 9:50 a.m., court recessed. At 9:57 a.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Raye.

Civil           THOMAS WITTE  
No.               v.  
C026483       BENJAMIN A. DIAZ

Cause called. Thomas M. Witte argued for Plaintiff-Appellant. Michael Gebers argued for Defendant-Respondent. Cause submitted.

At 10:07 a.m., court recessed. At 10:10 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Davis and Associate Justice Scotland.

Civil           ANTHONY HAYWOOD  
No.               v.  
C023763       AMERICAN RIVER FIRE PROTECTION DISTRICT

Cause called. Brenton A. Bleier argued for Defendant-Appellant. Alan C. Campell, of Bleier Law firm appeared for Defendant-Appellant. Jane E. Naekel, of Jones, Clifford, McDevitt, Naekel & Johnson argued for Plaintiff-Respondent. Cause submitted.

WEDNESDAY, NOVEMBER 18, 1998 CONTINUED

At 10:37 a.m., court recessed. At 2:05 p.m., court reconvened with same panel.

Civil           WESTERN LAND PROPERTIES  
No.               v.  
C027542       B & A ELECTRIC COMPANY, INC.

Cause called. James O. Devereaux, of Berding & Weil argued for Plaintiff-Appellant. Carolyn R. Breitreutz, of Lea & Arruti argued for Defendant-Respondent. Cause submitted.

At 2:19 p.m., court recessed. At 2:23 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye and Associate Justice Callahan.

Crim.           THE PEOPLE  
No.               v.  
C026890       TIEN DUC TRAN

Cause called. Mark Christiansen, court appointed counsel argued for Defendant-Appellant. Alison Elle Aleman, Deputy Attorney General argued for Plaintiff-Respondent.

Civil           CITIZENS FOR COMMON SENSE ET. AL.  
No.               v.  
C028613       COUNTY OF TEHAMA  
                  B. R. ENTERPRISES

Cause called. John Sullivan Kenny, of Moss & Enochian argued for Real Party in Interest-Respondent. Susan Brandt-Hawley argued for Plaintiffs-Respondents. No appearance was made on behalf of Defendant-Respondent.

Civil           CITY OF SOUTH LAKE TAHOE  
No.               v.  
C028715       DAYLIGHT CONSTRUCTION, INC.

Cause called. Robert W. O'Connor, of McDonough, Holland & Allen argued for Plaintiff-Appellant. Thomas N. Cooper, of Downey, Brand, Seymour & Rohwer argued for Defendant-Respondent. Cause submitted.

WEDNESDAY, NOVEMBER 18, 1998 CONTINUED

At 3:33 p.m., court recessed. At 3:37 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Scotland, and Associate Justice Hull.

Civil           SANDY YARBROUGH  
No.               v.  
C028715       BOARD OF RETIREMENT, SAN JOAQUIN ETC.  
                  SAN JOAQUIN COUNTY EMPLOYEES' ETC.

Cause called. George R. Robertson argued for Plaintiff-Appellant. Douglas A. Haydel, of Steinheimer, Riggio, Haydel & Mordaunt argued for Real Party in Interest-Respondent. Cause submitted.

Court adjourned at 3:57 p.m., until 9:30 a.m., Friday, November 20, 1998.

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Civil           FRANCES WIZNER  
No.               v.  
C027744       MERCY JUAN HOSPITAL  
                  BY THE COURT:

Pursuant to the written request of appellant, the appeal filed on October 3, 1997, is dismissed. Pursuant to stipulation of counsel each party shall bear its own costs on appeal. It is further ordered pursuant to said stipulation that the remittitur issue forthwith.

Dated:           November 18, 1998

BLEASE, Acting P.J.

Crim.           THE PEOPLE                   (Not for Publication)  
No.               v.  
C024672       GREGORY LEE RAND, JR.

Defendant's motion to vacate our order recalling the remittitur is denied. The judgment is affirmed.

PUGLIA, P.J.

We concur:       SCOTLAND, J.  
                      MORRISON, J.

WEDNESDAY, NOVEMBER 18, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C029398 TERRY PARKER

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
 NICHOLSON, J.

Civil JAMIE MULLINS (Not for Publication)  
 No. v.  
 C028633 SEARS, ROEBUCK AND CO.

The judgment is affirmed.

HULL, J.

We concur: PUGLIA, P.J.  
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C025452 FLOYD E. MURPH, JR.  
 THE COURT:

...

There is no change in the judgment.

Appellant's petition of rehearing is denied.

BY THE COURT:

PUGLIA, P.J.  
 SCOTLAND, J.  
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C027049 GREGORY ALAN BLAKE

The judgment is affirmed.

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.  
 HULL, J.

WEDNESDAY, NOVEMBER 18, 1998 CONTINUED

Civil            GLORIA CARRILLO            (Not for Publication)  
 No.            v.  
 C025676      RIVER CITY LAND COMPANY  
                  The judgment is reversed. Plaintiff shall recover costs on appeal.  
                  MORRISON, J.  
                  We concur:            PUGLIA, P.J.  
                                     NICHOLSON, J.

Crim.            THE PEOPLE            (Not for Publication)  
 No.            v.  
 C028884      DOUGLAS VIRGIL BURKHART  
                  The judgment is affirmed.  
                  BLEASE, Acting P.J.  
                  We concur:            SIMS, J.  
                                     NICHOLSON, J.

Crim.            THE PEOPLE            (Not for Publication)  
 No.            v.  
 C028842      ROBERT ANTHONY SALAZAR  
                  The judgment is affirmed.  
                  BLEASE, Acting P.J.  
                  We concur            SIMS, J.  
                                     NICHOLSON, J.

Civil            DANTE NOLFI            (Not for Publication)  
 No.            v.  
 C026706      KENNETH HOOPER  
                  The judgment is affirmed. Defendant shall receive his costs on  
                  apperal.  
                  SIMS, J.  
                  We concur:            PUUGLIA, P.J.  
                                     DAVIS, J.

THURSDAY, NOVEMBER 19, 1998

Juvenile In re CRYSTAL R. ET AL., Persons Coming Under the Juvenile Court  
No. Law.  
C030246 DEPARTMENT OF HEALTH & HUMAN SERVICES

v.  
ROSALIE C.

Juvenile In re CRYSTAL R. ET AL., Persons Coming Under the Juvenile Court  
No. Law.  
C030360 DEPARTMENT OF HEALTH AND HUMAN SERVICES

v.  
TERRY R.  
BY THE COURT:

The motion of respondent for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number, however if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together. Respondent's request that records in the two cases be consolidated and that briefs and records be provided is denied.

Respondent's combined brief is due on or before January 6, 1999.

Dated: November 19, 1998

PUGLIA, P.J.

Civil THOMAS M. WITTE (Not for Publication)  
No. v.  
C026483 BENJAMIN A. DIAZ

The judgment of dismissal and the trial court's order awarding sanctions are affirmed. Diaz's request for sanctions for a frivolous appeal is denied. Diaz shall recover his costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.  
DAVIS, J.

THURSDAY, NOVEMBER 19, 1998 CONTINUED

Crim. No. C028893	THE PEOPLE v. VINCENT AGUILAR	(Not for Publication)	
			BLEASE, Acting P.J.
	We concur:	RAYE, J. CALLAHAN, J.	
Civil No. C027542	WESTERN LAND PROPERTIES v. B & A ELECTRIC CO., INC.	(Not for Publication)	
	The judgment is affirmed. Defendant shall recover its costs on appeal.		
			SIMS, J.
	We concur:	PUGLIA, P.J. NICHOLSON, J.	
Crim. No. C026456	THE PEOPLE v. CHRISTOPHER ODUM	(Not for Publication)	
	The judgment is modifies to impose a total term of 85 years to life in state prison. The Superior Court shall correct the abstract of judgment and send a copy of the same to the Department of Corrections		
			SIMS, J.
	We concur:	PUGLIA, P.J.. NICHOLSON, J.	
Juvenile No. C029952	In re MARIO C., a Person Coming Under the Juvenile Court Law. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MICHELLE C.		
	The orders of the juvenile court are affirmed.		
			SIMS, J.
	We concur:	BLEASE, Acting P.J. NICHOLSON, J.	



THURSDAY, NOVEMBER 19, 1998 CONLTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C024735 MICHAEL JOHN SANTOS WALTERS

The judgment is affirmed.

MORRISON, J.

Weconcur: SIMS, Acting P.J.  
 DAVIS, J.

Civil ANNE Z. APPLGATE (Not for Publication)  
 No. v.  
 C025385 SACRAMENTO COUNTY DEPARTMENT OF HUMAN ASSISTANCE

The judgment is affirmed. County will receive its costs on appeal.

PUGLIA, P.J.

We concur: SIMS, J.  
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026967 BILLY JOE GOOCH

Defendant's conviction for county I is reversed and the trial court is ordered to dismiss it. In all other respects, the judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.  
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C024983 JOE MORENO AGUAYO

The conviction for violation of Vehile Code section 10851 is reversed. In all other respects, the judgment is affiredm.

PUGLIA, P.J.

I concur: CALLAHAN, J.

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I would remand this matter to the trial court for it to exercise its discretion whether to sentence these two offenses consecutively.

DAVIS, J.

FRIDAY, NOVEMBER 20, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice  
NICHOLSON, Associate Justice  
CALLAHAN, Associate Justice

Bailiff: Rios  
Calendar called.

Crim. THE PEOPLE  
No. v.  
C024949 CHARLES ROSALES

Cause called. Timothy J. Foley, court appoint counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

Crim. THE PEOPLE  
No. v.  
C026672 ANTHONY DEWAYNE LEE

Cause called. E. Katherine Dashiell, Central California Appellate Program argued for Defendant-Appellant. Patrick J. Whalen, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:09 a.m., court reconvened with the same panel except Associate Justice Morrison in place Associate Justice Callahan.

Civil RAUL GUTIERREZ, SR.  
No. v.  
C025544 COUNTY OF SACRAMENTO

Cause called. John E. Virga argued for Plaintiff-Appellant. Stephen A. Mason, of Mason & Thomas argued for Defendant-Respondent. Cause submitted.

At 10:40 a.m., court recessed. At 10:45 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Davis, and Associate Justice Hull.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Civil           JAMES MEWES ET AL.  
No.             v.  
C026328       JEFFREY LOBOSKY

Cause called. Stanley P. Fleshman, of Dreyer, Babick, Buccola & Callaham argued for Plaintiffs-Appellants with additional citations. Sharon A. Stone, of Leonard & Lyde argued for Defendant-Respondent. Cause submitted.

At 11:25 a.m., court recessed. At 2:00 p.m., court reconvened with the same panel.

Civil           WILLIAM R. PRANGE  
No.             v.  
C023765       MERIDIAN ELEMENTARY SCHOOL DISTRICT ET AL.  
STEVEN W. RABEDW

Cause called. Thomas S. Crary, of Karen H. Henry, Inc. argued for Plaintiff-Appellant. Kenneth L. Swenson, Duncan, Ball, Evans & Ubaldi argued for Defendants-Respondents Meridian Elementary School District et al. Scott T. Shibayama, of Littler Mendelson argued for Defendant-Respondent Tammy Harris. Joseph Wells Ellinwood argued for Defendant-Respondent-X-Appellant. Cause submitted.

At 2:21 .m., curt recessed. At 2:26 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Sims, and Associate Justice Scotland.

Crim           .THE PEOPLE  
No.             v.  
C021979       ROOSEVELT JERMAINE COLEMAN ET AL

Cause called. Bruce Eric Cohen, court appointed counsel argued for Defendant-Appellant Christopher Charles McKinnie with additional citations. Mark D. Greenberg, court appointed counsel argued for Defendant-Appellant Roosevelt Jermaine Coleman. Stephen G. Herndon, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 3:09 p.m., court recessed. At 3:10 .m., court reconvened with Presiding Justice Puglia, Associate Justice Blease, and Associate Justice Nicholson.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Civil ANNETTE RIOS ET AL.  
 No. v.  
 C027878 JAMES ROWLAND ET AL.

Cause called. Andrea G, Asaro, of Rosen, Bien & Asaro argued for Plaintiff-Appellant. Joan W. Cavenagh, Supervising Deputy Attorney General argued for Defendants-Respondents. Cause submitted.

At 3:26 p.m., court recessed. At 3:32 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Scotland, and Associate Justice Raye.

Civil MARRIAGE OF PACHECO  
 No. ALTA JEAN PACHECO  
 C026224 v.  
 KENNETH ROY PACHECO

Cause called. Alta Jean Pacheco argued for Herself in Pro Per as Appellant. Ronald E. Dosh argued for Respondent. Cause submitted.

At 3:35 p.m., court adjourned at 3:35 p.m., until 9:30 a.m., Monday, November 23, 1998.

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Crim. THE PEOPLE (Certified for Publication)  
 No. v.  
 C025452 FLOYD E. MURPHY JR.  
 THE COURT:

It is ordered that the order filed on November 18, 1998, modifying the opinion filed herein on October 27, 1998, be modified in the following particulars.

...

There is no change in the judgment.

BY THE COURT:

PUGLIA, P.J  
 SCOTLAND, J.  
 NICHOLSON, J.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Civil KIMBERLY NELSON

No. v.

C029994 JAMES J. JOHNSON

BY THE COURT:

The motion to dismiss the appeal as being untimely is denied. On the court's own motion, the appeal is dismissed as being taken from a nonappealable order. (Crotty v. Trader (1996) 50 Ca.App. 4th 765, 768 (denial of reconsideration motion nonappealable); 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, subsection 113, pp 178-179 (order granting motion for judgment on the pleadings nonappealable).)

Dated: November 20, 1998

SIMS, Acting P.J.

Civil Estate of MARGARET REGINA KRAWIECKI, Deceased.

No. JOHN HARRIS (Not for Publication)

C027907 v.

MARY HARRIS

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028601 MYRON SHAWN HUGHES

The judgment of conviction is affirmed. The sentence is vacated and the matter is remanded to the trial court for the purpose of allowing the court to consider, in the presence of defendant, his counsel and the People, whether to strike defendant's prior serious felony convictions. If the trial court strikes either or both priors, it shall resentence defendant. If the trial court declines to strike priors, it shall reinstate the sentence previously imposed.

MORRISON, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Civil WILLARD WITHERSPOON (Not for Publication)  
 No. v.  
 C028804 SUTTER COUNTY ET AL.

The order is affirmed.

CALLAHAN, J.

I concur: DAVIS, Acting P.J.

I concur in the result:

MORRISON, J.

Juvenile In re JOVON R., a Person Coming Under the Juvenile Court Law.  
 No. THE PEOPLE (Not for Publication)  
 C027740 v.

JOVON R.

As modified, the judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, Acting P.J.

NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C027859 DANTE PETER GALLI

Defendant's convictions on counts III and V are reversed. In all Other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.

MORRISON, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

Civil ANTHONY HAYWOOD (Certified for Partial Publication)  
 No. v.  
 C023763 AMERICAN RIVER FIRE PROTECTION DISTRICT

The judgment is reversed. The matter is remanded to the superior court with directions to deny Haywood's petition for a writ of administrative mandamus. Haywood shall reimburse the District for its costs on appeal. (Cal. Rules of Court rule 26 (a).)

SCOTLAND, J.

We concur: PUGLIA, P.J.

DAVIS, J.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Civil JAMES ROBERT COURSHON, JR. (Not for Publication)

No. v.

C028453 TAHOE CITY PUBLIC UTILITY DISTRICT ET AL.

The judgment of dismissal is reversed. Plaintiff is awarded costs on appeal.

HULL, J.

We concur: DAVIS, Acting P.J.  
SCOTLAND, J.

Civil In re the Marriage of ALTA JEAN AND KENNETH ROY PACHECO

No. KENNETH ROY PACHECO (Not for Publication)

C026224 v.

ALTA JEAN PACHECO

The judgment (order) is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
RAYE, J.

Civil WILLIAM R. PRANGE (Not for Publication)

No. v.

C023765 MERIDIAN ELEMENTARY SCHOOL DISTRICT ETC. ET AL.  
STEVEN W. RABEDEV

The judgment is affirmed. The defendants shall recover their costs on appeal. Rabedew will bear his costs on the cross-appeal.

PUGLIA, P.J.

We concur: DAVIS, J.  
NICHOLSON, J.

Civil JAMES MEWES ET AL (Not for Publication)

No. v.

C026328 JEFFREY LOBOSKY

The judgment is affirmed. Defendant to recover costs on appeal.

PUGLIA, P.J.

We concur: DAVIS, J.  
HULL, J.

FRIDAY, NOVEMBER 20, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028429 BANQUO DEBLASIO YOUNG  
 The judgment is affirmed.  
 MORRISON, J.  
 We concur: PUGLIA, P.J.  
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C027252 LINCOLN LEE ELLIOTT  
 The judgment is affirmed.  
 CALLAHAN, J.  
 We concur: BLEASE, Acting P.J.  
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028234 PHILLIP GARY GRANGER  
 The judgment is affirmed.  
 NICHOLSON, J.  
 We concur: PUGLIA, P.J.  
 HULL, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026192 ROBIN RAY ZAMORA  
 The judgment is reversed.  
 NICHOLSON, J.  
 We concur: SIMS, Acting P.J.  
 HULL, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C024949 CHARLES ROSALES  
 The judgment is affirmed.  
 PUGLIA, P.J.  
 We concur: NICHOLSON, J.  
 CALLAHAN., J.



FRIDAY, NOVEMBER 20, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C026699 BENJAMIN N. HUERTA

The judgment is affirmed.

SIMS, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.